

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 08-1511

Daniel Kosmicki,

Appellant

v.

Burlington Northern and Santa Fe Railway Company,

Appellee

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Appeal from District of Nebraska - Lincoln  
(4:07-cv-03023-RGK)

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**MANDATE**

In accordance with the opinion and judgment of 10/27/2008, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

November 18, 2008

Clerk, U.S. Court of Appeals, Eighth Circuit